

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Joseph John Gleason

CASE NO.: 20-12672-amc

CHAPTER 13

Fay Servicing, LLC as servicer for
Wilmington Trust, National
Association, not in its individual
capacity, but solely as trustee for
MFRA Trust 2014-2

Judge: Ashely M. Chan

Joseph John Gleason
Anthony A. Frigo
Scott F. Waterman- Trustee
Respondents

**LIMITED OBJECTION TO DEBTOR'S
MOTION TO RECONSIDER DISMISSAL OF CASE**

Fay Servicing, LLC as servicer for Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 ("Secured Creditor") is a secured creditor in the above Bankruptcy and by its undersigned counsel hereby objects to Debtor's Motion to Reconsider Dismissal of Case, as follows:

1. Secured Creditor is a lien holder of the Debtor with a mortgage lien on the real property owned by Debtor and located at 425 Woodcrest Rd. Wayne, PA 19087 ("Property").
2. The Debtor filed a Chapter 13 Bankruptcy Petition on June 17, 2020.
3. The Secured Creditor filed Proof of Claim 1-1 with total debt at the time of filing in the amount of \$832,919.53 and pre-petition arrears in the amount of \$206,136.62.
4. On July 20, 2023, an Order was entered dismissing the instant Bankruptcy with a one (1) year bar on filing. A true and correct copy of the July 20, 2023, Dismissal Order is attached hereto as Exhibit "A."

5. The Secured Creditor Objects to the Debtor's Motion to Reconsider Dismissal of Case, filed on July 20, 2023 (ECF. Doc. No. 110) (the "Debtor's Motion).
6. Debtor has had multiple post-petition defaults during the course of the instant Bankruptcy:
 - a. On March 4, 2022, Secured Creditor filed a Motion for Relief from Automatic Stay; at the time, Debtor was post-petition delinquent for September 1, 2021. Said Motion for Relief was resolved via Settlement Stipulation filed on May 24, 2022, and approved on May 25, 2022 (ECF. Doc. No. 69, 76, and 77, respectively).
 - b. On February 17, 2023, Secured Creditor filed a Certification of Default of the Settlement Stipulation; said Certification of Default was eventually withdrawn on June 8, 2023 (ECF. Doc. No. 96 and 104, respectively).
7. Debtor is not current on post-petition mortgage payments due for July 1, 2023, in the amount of \$4,532.27. The August 1, 2023, payment will also soon become due.

WHEREFORE, Secured Creditor respectfully requests that the Debtor's Motion be denied and for all other and further relief as is just and proper.

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

In Re:

Joseph John Gleason

Debtor

Chapter 13

Bankruptcy No. 20-12672-AMC

ORDER DISMISSING CHAPTER 13 CASE

AND NOW, after notice and hearing, it is ORDERED that the case is DISMISSED with prejudice and Debtor is barred from filing another bankruptcy case, either individually or jointly with a spouse, for a period of 1 year from the date of this Order without prior leave of Court.

IT IS FURTHER ORDERED that any undisbursed funds held by the Chapter 13 Trustee from payments made on account of the Debtor's plan shall be refunded to the Debtor unless a party in interest files a Motion for Alternative Disbursement within 21 days of the entry of this Order.

IT IS FURTHER ORDERED that any wage order entered in this case is hereby TERMINATED and the employer shall cease wage withholding immediately.

Date: July 19, 2023



ASHELY M. CHAN
U.S. BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Joseph John Gleason
Debtor

CASE NO.: 20-12672-amc

CHAPTER 13

Fay Servicing, LLC as servicer for
Wilmington Trust, National
Association, not in its individual
capacity, but solely as trustee for
MFRA Trust 2014-2

Judge: Ashley M. Chan

Anthony A. Frigo

Scott F. Waterman- Trustee
Respondents

OBJECTION TO DEBTOR'S MOTION TO RECONSIDER DISMISSAL OF CASE

The undersigned counsel for Fay Servicing, LLC as servicer for Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 ("Secured Creditor") certify that, on the date stated hereon, I caused to be served a copy of the objection to debtor's motion to reconsider dismissal of case filed on behalf of Secured Creditor on the parties in the manner specified on the attached service list.

The type(s) of service made on the parties was: electronic notification or first-class mail, postage pre-paid. Where service is by electronic notification, the address of the party is listed for identification purposes only.

EXECUTED ON: July 31, 2023
Garden City, New York

FRIEDMAN VARTOLO, LLP.

By: /s/ Lauren M. Moyer
Lauren M. Moyer, Esq.
FRIEDMAN VARTOLO, LLP
Attorneys for Fay Servicing, LLC as servicer for
Wilmington Trust, National Association not in its
Individual capacity, but solely as trustee of MFRA
Trust 2014-2

Service by NEF

Trustee

SCOTT F. WATERMAN [Chapter 13]
Chapter 13 Trustee
2901 St. Lawrence Ave.
Suite 100
Reading, PA 19606

Debtor's Counsel

The Law Offices of Anthony A. Frigo
175 Strafford Ave
Suite One
Wayne, PA 19468

U.S. Trustee

Office of the United States Trustee

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Robert N.C. Nix Federal Building
Suite 320
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Service by First-Class Mail

Debtor(s)

Joseph John Gleason
425 Woodcrest Rd.
Wayne, PA 19087
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